

SUBCHAPTER Z : WASTE MINIMIZATION AND RECYCLABLE MATERIALS USED OIL FILTER COLLECTION, MANAGEMENT AND RECYCLING

§330.1180. Applicability.

(a) The sections in this subchapter are applicable to persons who are involved in generating, storing, transporting, handling, and processing used oil filters and their components. These sections do not apply to persons that are industrial generators and are registered with the TNRCC as Industrial/Hazardous waste facilities or that are under the waste management authority of a state agency other than the TNRCC, in which case the regulations of that state agency apply.

(b) Used oil filters that are regulated by the Railroad Commission of Texas under §91.101 of the Natural Resources Code shall not be subject to regulation under this subchapter. However, used oil filters regulated by the Railroad Commission of Texas under §91.101 of the Natural Resources Code may be delivered to a transporter, storer, or processor registered with TNRCC for the purpose of recycling if the requirements of §330.1189 of this title (relating to Generators Regulated by the Railroad Commission of Texas) are met.

§330.1181. Definitions.

The following words, terms, and abbreviations when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Other definitions pertinent to these and other sections are contained in Subchapter A, §330.5 of this title (relating to Definitions).

Bill of Lading - A document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods.

Do-it-yourself (DIY) used oil filter - Used oil filter that is generated by an individual who changes his/her own oil filter.

Drained oil filter - A used oil filter which has been hot drained or otherwise processed to the standards set forth in §330.1186(a) (1)-(5) of this title (relating to Public Used Oil Filter Collection Centers and Used Oil Filter Generators) to remove all of the free-flowing oil.

End user - Persons who utilize the processed used oil filter or its components as feedstock for the manufacturing of finished products; and, persons who in the opinion of the executive director recycle, as defined herein, the UOF or its components.

Free-flowing oil - A noticeable stream of oil exiting the used oil filter at 60 degrees Fahrenheit when the filter is lifted by hand or by machinery.

Generator - Person whose act or process produces used oil filters, excluding do-it-yourselfers.

Hot draining - The process by which an oil filter is punctured and drained near engine operating temperatures and above room temperature (i.e., 60 degrees Fahrenheit) for a sufficient period of time to remove the free-flowing oil.

Oil filter - An integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

Oil weight - The weight added to an oil filter through its use in an oil-flow system. Oil weight may be calculated by deducting the weight of a new or unused filter from the weight of a properly drained oil filter of identical style and type. [drained oil filter wt. -new filter wt. = oil wt.]

Person - An individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any other interstate body.

Processing - The act of preparing the used oil filter and its components for recycling. Processing must include a means of removing all free-flowing oil from the filter components, and must meet the processing standards set forth in §330.1185(b).

Processor - A person who processes used oil filters, generated by others, for the purpose of preparing such filters for recycling. **Public used-oil-filter collection center (Collection Center)** -A facility which accepts do-it-yourself used oil filters. Such centers include, but are not necessarily limited to:

(A) b automotive service facilities that in the course of business accept, for recycling, used oil filters from individuals;

(B) facilities that store used oil filters in above-ground containers and that in the course of business accept, for recycling, used oil filters from individuals; and

(C) publicly sponsored collection facilities that are designated and authorized by the TNRCC to accept, for recycling, used oil filters from individuals.

Recycling - The legitimate use, reuse, or reclamation of a solid waste.

Storage - The holding of used oil filters for a temporary period, at the end of which time the used oil filters are processed, recycled or disposed.

Storage facility - A facility which is used to store more than three 55-gallons drums, or the volumetric equivalent, of used oil filters.

Terne - An alloy of tin and lead which may be used to plate oil filters. Terne-plating may cause sections of a used oil filter to exhibit the hazardous characteristic of toxicity for lead.

Transporter - A person engaged in the off-site transportation of used oil filters.

Used oil - Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Used oil filter (UOF) - A non-terne-plated oil filter that as a result of its use, storage or handling has become contaminated by physical or chemical impurities, and has been removed from service. This does not include a UOF which remains with an engine block which is recycled.

UOF management plan - A description of a person's management practices pertaining to UOFs.

§330.1182. General Requirements.

Any person generating, storing, transporting, processing or handling UOFs shall:

(a) Immediately remediate all spills and releases from UOFs. The facility shall have equipment sufficient to respond to a spill volume equivalent to ten (10) gallons for every 55-gallon drum or volumetric equivalent. If a facility has a Spill Prevention Control and Countermeasure Plan (See Clean Water Act, 42 U.S.C § 112), or an equivalent Federal or State spill response plan approved by the executive director, it shall be deemed to be in compliance with this requirement. Such plan shall

be retained on site and be available upon request by the Texas Natural Resource Conservation Commission (TNRCC) or its representative.

(b) Not sell, convey, or otherwise transfer to an end user, a UOF which has not been processed to the processing standards set forth in §330.1185(b) of this title (relating to Processors).

(c) Comply with all applicable federal, state and local regulations.

(d) Retain all required records on-site for a minimum of three years and make such records available for inspection on site by the TNRCC or its representative upon request.

(e) Remove from service, or repair, any container used for storage of UOFs that is found to be leaking or in poor condition, ensuring that only nonleaking containers are provided for UOF storage.

§330.1183. Storage Facilities.

(a) Any person storing more than three (3) fifty-five gallon containers of UOFs, or the volumetric equivalent, must register with the TNRCC as a UOF storage facility using TNRCC form TWC-0906. Persons storing UOFs may store up to three (3) 55-gallon containers, or the volumetric equivalent, of UOFs without registering as a storage facility.

(b) No storage facility may cause, suffer, allow, or permit the discharge from a point source of any waste or of any pollutant, or the performance or failure or any activity other than a discharge, in violation of the Texas Water Code, Chapter 26.

(c) The storage facility shall be required to provide evidence of financial responsibility as the commission deems necessary to assure the commission that the storage facility has sufficient assets to provide for the proper closure. Financial assurance for closure may be demonstrated by using one or more of the following mechanisms: trust funds, surety bonds guaranteeing payment or performance, letters of credit, insurance, or financial test and corporate guarantee. These mechanisms shall be prepared on forms approved by the executive director. Proof of compliance shall be submitted to the TNRCC with a completed UOF-storage- facility registration form.

(d) A person who owns or operates a storage facility:

(1) Shall register by January 25th of each year with the Automotive Waste Recycling Program of the TNRCC as a UOF storage facility, utilizing registration forms prescribed by the TNRCC.

(2) Shall report by January 25th of each year the amount of UOFs received, sources of UOFs, and name and location of destinations and amounts shipped to those destinations during the previous calendar year.

(3) May not store a UOF for more than 90 days. At the end of such time, the stored UOFs must be either processed, shipped to a registered processor for processing or disposed. The

executive director may, at his or her discretion, extend the 90-day time period upon a written request by the registered storage facility indicating just cause beyond the storage facility's control.

(e) Storage facilities must comply with the following standards:

(1) UOFs must be stored in a covered enclosure or in covered rainproof containers. All storage containers must be capable of containing any used oil that may be separate from the filters placed inside.

(2) UOFs must be stored in containers clearly labeled with the phrase "Used Oil Filters" in letters at least three (3) inches high. The name of the owner of the container and the owner's phone number shall be imprinted on the container and clearly legible.

(3) Storage facilities must have a secondary containment system capable of containing an amount of oil equal to ten (10) gallons for every 55- gallon drum or volumetric equivalent. The containment system must be sufficiently impervious to prevent any used oil released into the system from migrating out of the system to the soil, groundwater or surface water, and must consist of, at a minimum:

(A) A dike, berm or retaining wall; and

(B) A floor which must cover the entire area within the dike, berm, or retaining wall.

(f) A storage facility may, as an alternative to meeting the standards delineated in subsection (e) of this section, submit to the executive director for approval a Used Oil Filter Management Plan (management plan) demonstrating to the satisfaction of the executive director the equivalency of an alternative method of storing UOFs. To be considered, the alternate method must meet the objective of protecting the environmental quality of the State of Texas at least as effectively as the management standards contained herein. An approved copy of the management plan must be retained on-site and must be available for inspection by the TNRCC or its representative upon request.

(g) In addition to complying with all the requirements delineated in this section, all storage facilities receiving UOFs generated off-site must ship only to a processor registered as a UOF processor with the TNRCC, an end user or a permitted disposal facility. This subsection does not apply to generators and/or public UOF collection centers that only accept UOFs from a DIYer.

§330.1184. Transportation of Used Oil Filters.

(a) A person who transports Used Oil Filters (UOFs) shall:

(1) Register by January 25th of each year with the Automotive Waste Recycling Program of the TNRCC as a UOF transporter, utilizing TNRCC form TWC-0906. Registrants shall provide proof of financial responsibility in a form and amount approved by the TNRCC. Proof of compliance shall be submitted to the TNRCC with a UOF transporter registration form.

(2) Report by January 25th of each year the amount of UOFs received, sources of UOFs, the name and location of storage facilities, processors, end users, and/or disposal facilities which receive the UOFs, and the amounts shipped to the processors or end user for the activities of the previous calendar year.

(3) Comply with all applicable Federal, State, and local regulations, including the United States Department of Transportation (DOT) regulations, such as placarding, insurance requirements and any necessary Federal, State, and local permits as required.

(4) Ensure that all UOFs are accompanied by a bill of lading demonstrating a transfer of custody of the UOFs from the shipping facility to the registered transporter, and from the transporter to a registered storage facility, registered (secondary) transporter, processor, end-user or permitted disposal facility. The bill of lading shall contain the date of such transfer, the name and physical address of the shipping facility, the name and address of the receiving facility, the name and address of the transporter, the quantity of UOFs removed and any other information which the executive director may deem necessary to protect the environmental quality of the State of Texas. The shipping facility must verify the information contained within the bill of lading, and demonstrate concurrence by the signature upon the bill of lading signature of an authorized representative of the shipping facility.

(5) Retain on-site, and make available for inspection by the TNRCC or its representative upon request, copies of all bills of lading demonstrating transfer of custody of UOFs for a minimum of three (3) years.

(A) For a transporter that does not have a structure capable of competently storing the required documents at the facility from which he operates his business (i.e. truck parking and/or UOF storage), a transporter may store the required documents at the local business office from which he conducts the administrative portion of his business.

(B) For a transporter operating multiple locations, the transporter may store two (2) of the three (3) years required at a central business location if such records will be made available to the TNRCC or its representative upon request, within five (5) working days after such request; however, the most current year must be maintained at the transporter's operations facility, or at a local business office if no structure capable of competently storing exist at the transporter's operations facility.

(6) Ensure that all UOFs are delivered to a currently registered UOF processor, registered UOF storage facility, registered UOF (secondary) transporter, permitted disposal facility, or end user.

(7) Ensure that all accepted containers are properly labeled, sealed, and loaded in a manner which reduces shifting and loss of cargo.

(8) Have at least one "spill kit" and all necessary fire equipment on board. The spill kit must include the proper garments, instructions and tools needed in the event of a spill, fire, storm damage, or industrial accident.

(b) Persons transporting UOFs may transport up to two 55- gallon containers, or the volumetric equivalent, of UOFs without registering as a UOF transporter.

(c) In addition to complying with all the requirements delineated in subsection (a) (1)-(9) of this section, all transporters transporting UOFs generated by persons other than the transporter, or transporting UOFs received by the transporter from a DIY generator:

(1) May store collected UOFs for a period of ten (10) days or less without being required to register as a storage facility.

(2) Shall notify the generator and collection center of any changes to the shipping documentation, including, but not limited to, a change in destination. A written notification must be received by the generator and collection center within two (2) weeks of such change(s).

§330.1185. Processors.

(a) A person who processes UOFs shall:

(1) Register by January 25th of each year with the Automotive Waste Recycling Program of the TNRCC as a UOF processor, utilizing TNRCC form TWC-0906.

(2) Report by January 25th of each year the amount of UOFs received, sources of UOFs, the name and location of end users, disposal facilities, or any other facility receiving UOFs from the processor for the previous calendar years' activities.

(3) Provide evidence of financial responsibility as the commission deems necessary to assure the TNRCC that the processor has sufficient assets to provide proper closure. Financial assurance for closure may be demonstrated by using one or more of the following mechanisms: trust funds, surety bonds guaranteeing payment or performance, letters of credit, insurance or financial test and corporate guarantee. These mechanisms shall be prepared on forms approved by the executive director. Proof of compliance shall be submitted with a completed UOF processor registration form.

(b) A UOF must meet the following processing standards to be considered processed:

(1) the drained UOF has been compressed with a force sufficient to remove eighty percent (80%) of the oil weight remaining in the UOF; or

(2) the UOF has been separated by dismantling, shredding or any other acceptable procedure which separates the whole UOF into its components; or

(3) the UOF meets any standard which may be adopted by a recognized industry association and approved in writing by the executive director, so long as the industry standards requires the removal of free-flowing oil from the filter and prepares the filter for reuse by an end-user; or

(4) the UOF meets any other standard approved in writing by the executive director.

(c) In addition to complying with all the requirements described in subsections (a) and (b) of this section, a person processing UOFs generated off-site shall:

(1) Ensure that all UOFs are accompanied by a bill of lading documenting transfer of custody of UOFs to the processor. All bills of lading shall be retained on-site for a period of three (3) years and be available for inspection by the TNRCC or its representative upon request.

(2) Upon request by the generator or collection center originating a shipment of UOFs received by the processor, provide to the generator or collection center written documentation identifying the recipient of reclaimed materials or waste products resulting from the processing of the UOFs originating from the generator or collection center. Such written evidence shall clearly identify each component resulting from the processing and shall indicate the final destination of each such component.

(d) A processor may not store unprocessed UOFs longer than thirty (30) days. The executive director may, at his or her discretion, extend this time period for an additional 30 days. A processor who is unable to comply with this storage requirement may apply to the executive director in writing for an extension of this storage period. A processor's storage time limits are initiated at the time the processor takes custody of the UOFs.

(e) A processor must determine the environmental risk associated with the storage of the materials resulting from the processing of the UOFs.

(1) For materials which can be shown to be free of residual oil, the agency places no further restrictions.

(2) For materials which are contaminated by used oil, the processor shall:

(A) make a hazardous waste determination in accordance with 40 Code of Federal Regulations Part 261 on all materials destined for disposal or incineration prior to shipment; and

(B) ship such material within 30 days of generation.

§330.1186. Public Used Oil Filter Collection Centers and Used Oil Filter Generators.

(a) A generator shall ensure that all free-flowing oil as defined in §330.1181 of this title (relating to Definitions) has been removed from UOFs stored on-site. Methods of removal of the free-flowing oil include, but are not limited to, the following:

(1) puncturing the filter anti-drain valve or the filter dome end and hot-draining;

(2) hot-draining and crushing;

(3) dismantling and hot-draining;

(4) flushing of the UOF; or

(5) any other equivalent method which will remove the free-flowing oil.

(b) For UOFs accepted from a DIY, the generator or public used oil filter collection center shall remove the free-flowing oil to the greatest extent feasible.

(c) A generator and a person owning or operating a collection center must obtain and keep copies of all UOF shipping documentation, documenting the transfer of custody of the UOFs. All documentation shall be retained on-site for a period of three (3) years, except in cases where a person owns or operates multiple locations at which UOFs are generated or accepted from DIYers. In those cases records for two (2) of the three (3) years may be stored at a central facility if such records will be made available to the TNRCC or its representative upon request, within five (5) working days after notification by the TNRCC. Records for the most current year must be maintained at the physical location of the facility generating UOFs or accepting UOFs from the public.

(1) Persons who own or operate used oil filter collection centers which are unmanned, who only accept UOFs from DIY generators, and who operate multiple locations, may retain the required documentation at a central business location if the records are made available to the TNRCC or its representative within five (5) working days after requested by the TNRCC.

(d) All generators and persons owning or operating a UOF collection center shall arrange with a properly registered UOF transporter for the transport of UOFs to a registered UOF processor, registered UOF storage facility, permitted disposal facility, or an end user.

(1) The generator and persons owning or operating a UOF collection center (the shipper) must verify the information contained within the bill of lading, and demonstrate concurrence by the signature of an authorized representative of the shipper upon the bill of lading.

(e) Generators and persons owning or operating collection centers shall prepare each container for transport by assuring that the containers are sealed and an identifying label/number is evident on the container which relates to the bill of lading. This identification number shall be easily recognizable, enabling the TNRCC, or its representative, to assign the container to the required paperwork.

(f) UOFs must be stored in containers clearly labeled with the phrase "Used Oil Filters" in letters at least three (3) inches high. The name of the owner of the container and the owner's phone number shall be imprinted on the container and clearly legible.

(g) In addition to complying with all the requirements delineated in subsections (a)-(e) of this section, all UOF collection centers shall:

(1) Register by January 25th of each year with the Automotive Waste Recycling Program of the TNRCC as a UOF collection center, utilizing TNRCC registration form number TWC-0390.

(A) Temporary authorization to collect UOFs for one-day events may be obtained through a written request for such authorization submitted to the appropriate Regional Office at least thirty (30) days prior to the proposed date of the event. Registration as a UOF collection center is not required for one-day events which receive written approval from the Regional Office. Also, facilities granted temporary authorization are exempt from the yearly reporting requirement set forth herein.

(2) Report to the TNRCC by January 25th of each year the amount of UOFs received, the amounts shipped, the date of each shipment, the name of the transporter used for each shipment and any other pertinent information the executive director may require regarding the activities of the previous calendar year.

(3) Notify the TNRCC in writing within 30 days if the collection center ceases acceptance of UOFs from the public.

(h) A collection center may charge a reasonable fee sufficient to cover the cost of properly managing DIY-accepted UOFs.

§330.1187. Shipping Documentation.

(a) Until such time as bills of lading are prescribed by the TNRCC, the information required herein must be retained on-site by the generator, collection center, transporter, storage facility and processor in a form easily discernable by the TNRCC or its representative.

(b) The bill of lading will be a multi-part form used to document the transfer of custody of the UOFs between participating parties. It is the responsibility of the shipping facility to ensure that the bill of lading(s) are legible, complete and accurate as to the information entered thereon which is specific to the shipping facility, prior to release of the UOFs

(c) The transporter shall transport the UOFs to the UOF facility identified on the bill of lading, and upon delivery to such facility shall retain the transporter copy of the bill of lading which has been signed by the receiver evidencing receipt of the UOFs by the receiver.

§330.1188. Penalties.

In addition to other penalties provided by law, failure to comply with the rules established herein may result in cancellation or non-renewal of the registration.

§330.1189. Generators Regulated by the Railroad Commission of Texas.

UOFs described in §330.1180 (b) of this title (relating to Applicability) may be delivered to a UOF transporter, storer, or processor registered by the TNRCC for the purpose of recycling, provided that, at the time of delivery.

(1) the UOFs have been drained of free oil as provided in §330.1186 (a) of this title (relating to Public Used Oil Filter Collection Centers and Used Oil Filter Generators);

(2) the UOFs are contained and labeled in a manner that complies with the provisions of §330.1186(d); and

(3) the generator complies with provisions of §330.1187(b) of this title (relating to Shipping Documentation) regarding shipping documentation for shipments of UOFs that are transported by the UOF transporter registered by TNRCC.